

CITY COUNCIL AGENDA

NOVEMBER 6, 2007

SYNOPSIS

PETE CONSTANT
FORREST WILLIAMS
SAM LICCARDO
KANSEN CHU
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

CHUCK REED MAYOR

PIERLUIGI OLIVERIO
MADISON P. NGUYEN
DAVID D CORTESE, VICE MAYOR
JUDY CHIRCO
NANCY PYLE

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- ***Strategic Support Services*** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- ***Community & Economic Development*** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- ***Neighborhood Services*** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- ***Transportation & Aviation Services*** — A safe and efficient transportation system that contributes to the livability and economic health of the City; and provide for the air transportation needs of the community and the region at levels that is acceptable to the community.
- ***Environment and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Public Safety Services*** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 9 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

- **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
- When the Council reaches your item on the agenda, Mayor Reed will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
- Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
- To assist you in tracking your speaking time, there is a display on the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas and Staff Reports for City Council items may be viewed on the Internet at www.sanjoseca.gov/clerk/agenda.asp. Council Meetings are televised live and rebroadcast on Channel 26.

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call (408) 535-1260 or (408) 294-9337 (TTY) at least two business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**
9:01 a.m. - Closed Session, Call to Order in Council Chambers
Absent Council Members: None.

1:30 p.m. - Regular Session, Council Chambers, City Hall
Absent Council Members: Constant. (Excused)

7:02 p.m. - Public Hearings, Council Chambers, City Hall
Absent Council Members: Constant, Cortese. (Excused)
- **Invocation (District 10)**
Chaplain Don Owndy presented the Invocation in honor of Veteran's Day.
- **Pledge of Allegiance**
Mayor Reed led the Pledge of Allegiance.
- **Orders of the Day**
The Orders of the Day and the Amended Agenda were approved, with Item 2.19 dropped and Item 3.1 deferred to 11/20/07.
- **Closed Session Report**
No Report.

1. CEREMONIAL ITEMS

- 1.1** Presentation of a commendation to Liliana Vera for her tireless dedication to the Tully/Senter community and for truly embodying the idea of community spirit. (Nguyen)
(Deferred from 10/16/07 – Item 1.6)
Deferred.

1. CEREMONIAL ITEMS

- 1.2 Presentation of commendations to District 9 Stars: Kirk Senior Program Advisory Council, Virginia Holtz, Go Green Schools: Branham High School and Leitz Elementary School and Andre Gong-Sue of the Cambrian Business Association. (Chirco)
Heard in the evening and afternoon.
Mayor Reed and Council Member Chirco recognized and commended the District 9 Stars, Kirk Senior Program Advisory Council, Virginia Holtz, Go Green Schools: Branham High School and Leitz Elementary School and Andre Gong-Sue of the Cambrian Business Association.
- 1.3 Presentation of a commendation to James Harding and Heidi Tzortzis, for bringing the American Orff-Schulwerk's 2007 National Conference to San José and for providing an opportunity to support the purposes and practices of music education and encouraging participation from teachers, students and all citizens. (Williams/Economic Development)
Mayor Reed and Council Member Williams recognized and commended James Harding and Heidi Tzortzis for their outstanding dedication and commitment to City of San José.
- 1.4 Presentation of a commendation to Art Boudreault for his dedication and outstanding commitment to the Almaden Community. (Pyle)
Heard in the evening.
Mayor Reed and Council Member Pyle recognized and commended Art Boudreault for his dedication and exceptional commitment to the Almaden Community.
- 1.5 Presentation of a commendation to the KFOX Weather Fox students of Ben Painter Elementary School for their compassionate projects for the troops overseas and their outstanding academic achievements. (Cortese/Campos)
(Rules Committee referral 10/31/07)
Mayor Reed, Vice Mayor Cortese and Council Member Campos recognized and commended the KFOX Weather Fox students of Ben Painter Elementary School for their compassionate projects for the troops overseas and their outstanding academic achievements.
- 1.6 Presentation of a commendation to Frank Carbone and family for his spirit, commitment and outstanding patriotism through his service in the United States Navy during World War II. (Pyle)
(Rules Committee referral 10/31/07)
Mayor Reed and Council Member Pyle recognized and commended Frank Carbone and family for their spirit, commitment and outstanding patriotism through their service in the United States Navy during World War II.

2. CONSENT CALENDAR

2.1 Approval of Minutes.

Recommendation: Approval of Minutes.

- (a) Regular Minutes of August 21, 2007
- (b) Joint City Council/Redevelopment Agency/County Board of Supervisors Minutes of August 23, 2007
- (c) Regular Minutes of August 28, 2007
[Deferred from 10/30/07 – Item 2.1(a)-(c)]

Approved.

2.2 Final adoption of ordinances.

Recommendation: Final adoption of ordinances.

- (a) ORD. NO. 28159 – Amending Sections 9.44.022, 9.44.030, and 9.44.040 of Chapter 9.44 of Title 9 of the San José Municipal Code to prohibit smoking in parks, community centers and libraries.

Ordinance No. 28159 adopted.

2.3 Approval of new and amended hangar and ramp lease agreements at the Airport.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute new and amended hangar and ramp lease agreements with air cargo airlines currently operating at Mineta San José International Airport, with month-to-month terms effective December 1, 2007 through June 30, 2012 and annual income to the City of approximately \$240,000. CEQA: Resolution Nos. 67380 and 71451, File Nos. PP07-203, PP07-204, PP07-214 and PP07-215. (Airport)

Resolution No. 74084 adopted.

2.4 Approval to submit a grant application to upgrade the Airport's Compressed Natural Gas Fueling Station.

Recommendation: Adoption of a resolution authorizing the City Manager to apply for a grant to the Santa Clara Valley Transportation Authority in the amount of \$527,000 to provide funding to assist in the upgrade of the Airport's Compressed Natural Gas fueling station, to accept the grant if awarded, and to execute all related documents. CEQA: Resolution Nos. 67380 and 71451, File No. PP07-208. (Airport)

Resolution No. 74085 adopted.

2.5 Request for an excused absence for Council Member Constant.

Recommendation: Request for an excused absence for Council Member Constant from the Regular Meeting of the Community and Economic Development Committee on October 9, 2007 due to Authorized City Business. (Constant)
(Rules Committee referral 10/24/07)

Excused.

2. CONSENT CALENDAR

2.6 Approval to amend an agreement with ZeroOne for marketing support costs.

Recommendation: Approval of an amendment to a grant agreement between the City of San José and ZeroOne – the Art and Technology Network to increase the amount of the grant by \$100,000 to support marketing costs for *OISJ: A Global Festival of Art on the Edge*, to be conducted in June 2008 in San José, for a total grant amount not to exceed \$200,000. CEQA: Not a Project. (Economic Development)

Approved.

2.7 Approval to submit a grant application related to the Martin Park Landfill Interceptor Trench and Vapor Barrier Project.

Recommendation: Adoption of a resolution:

- (a) Authorizing the City Manager to submit an application for local assistance funds of up to \$750,000 from the State of California Integrated Waste Management Board under the Solid Waste Disposal and Co-disposal Site Cleanup Program - Matching Grants to Public Entities to Abate Solid Waste Disposal Sites to be used for the Martin Park Landfill Interceptor Trench and Vapor Barrier project.
- (b) Authorizing the City Manager to accept any grant funds and to negotiate and execute all documents related to the grant funding agreement.

CEQA: Not a Project. Council District 3. SNI: Five Wounds-Brookwood Terrace. (Environmental Services)

Resolution No. 74086 adopted.

2.8 Approval to set a public hearing for the approval of the report of the Director of Finance on the cost of sidewalk repairs liens.

Recommendation: Adoption of a resolution setting a public hearing for January 15, 2008 at 1:30 p.m. for the approval of the report of the Director of Finance on the cost of sidewalk repairs liens. CEQA: Not a Project. (Finance)

Resolution No. 74087 adopted.

2.9 Acceptance of the Quarterly Report on Contract Activity for Goods and Services.

Recommendation: Acceptance of the quarterly report on contract activity for goods and services having a value between \$100,000 and Council Appointees' contract approval authority that were entered into and executed by Council Appointees between April 12, 2007 and June 30, 2007. CEQA: Not a Project. (Finance)

Report Accepted.

2. CONSENT CALENDAR

2.10 Approval to initiate actions and set a public hearing for the annexation of Riverside No. 51.

Recommendation: Adoption of a resolution initiating proceedings and setting a public hearing on December 4, 2007 at 7:00 p.m. for the reorganization/annexation of the territory designated as Riverside No. 51 which involves the annexations to the City of San José of approximately 3.4 gross acre County pocket consisting of an approximately 1800 foot long portion of Santa Teresa Boulevard right-of-way, 1100 feet southeast of Bayliss Drive, and detachment of the same from the appropriate special districts including Central Fire Protection and Area No. 01 (Library Services) County Service. (No owners). CEQA: Resolution No. 65459. Council District 2. (Planning, Building and Code Enforcement)

Resolution No. 74088 adopted.

2.11 Approval to initiate actions and set a public hearing for the annexation of McKinley No. 110.

Recommendation: Adoption of a resolution initiating proceedings and setting a public hearing on December 4, 2007 at 7:00 p.m. for the reorganization/annexation of the territory designated as McKinley No. 110 which involves the reorganization/annexation to the City of San José of approximately 3.5 gross acre County pocket consisting of one parcel on the northwest side of Summerside Drive between Warfield Way and Galveston Avenue, and detachment of the same from the appropriate special districts including Central Fire Protection and Area No. 01 (Library Services) County Service. (Eugene D and Joann L Della Maggiore, Owner). CEQA: Resolution No. 65459. Council District 7. SNI: Tully/Senter. (Planning, Building and Code Enforcement)

Resolution No. 74089 adopted.

2.12 Approval to initiate actions and set a public hearing for the annexation of Hillview No. 73.

Recommendation: Adoption of a resolution initiating proceedings and setting a public hearing on December 4, 2007 at 7:00 p.m. for the reorganization/annexation of the territory designated as Hillview No. 73 which involves the reorganization/annexation to the City of San José of approximately 8.55 gross acre County pocket consisting of 4 parcels on both sides of Mount Pleasant Road, east of Westview Drive, and detachment of the same from the appropriate special districts including Central Fire Protection and Area No. 01 (Library Services) County Service. (Multiple Owners). CEQA: Resolution No. 65459. Council District 8. (Planning, Building and Code Enforcement)

Resolution No. 74090 adopted.

2. CONSENT CALENDAR

2.13 Approval of fiscal actions related to Fire Station Nos. 12 and 17.

Recommendation:

- (a) Approval of an increase in the construction contingency for the Fire Station Nos. 12 and 17 Relocation projects in the amount of \$170,000 for a total construction contingency authorization of \$510,000.
- (b) Approval of the second amendment to the consultant agreement with Banducci Associates Architects to increase the agreement compensation by the amount of \$23,000 from \$346,555 to \$369,555 for the Fire Station No. 17 Relocation project.

CEQA: Mitigated Negative Declaration, PP05-071 and Exempt, File No. PP05-275.
Council Districts 9 and 10. (Public Works/Fire)

Approved.

2.14 Approval of fiscal actions for Redevelopment Agency Capital Projects.

Recommendation:

- (a) Adoption of the following Appropriation Ordinance and Funding Sources Resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund) for 2007-2008:
 - (1) Increase the estimate for Earned Revenue by \$936,000.
 - (2) Increase the appropriation to the Department of Planning, Building and Code Enforcement for the Sidewalk Café Permits project (PSM 459, Amendment #1) in the amount of \$50,000.
 - (3) Increase the appropriation to the Department of Public Works for the Keyes Street/Greater Gardner Pedestrian Streetlight project (PSM 478, Amendment #1) in the amount of \$779,000.
 - (4) Establish an appropriation to the Department of Transportation for the Downtown Curb Ramp Construction project (PSM 502) in the amount of \$6,000.
 - (5) Establish an appropriation to the Department of Transportation for the Washington Neighborhood Alleyway C3 Construction project (PSM 503) in the amount of \$21,000.
 - (6) Establish an appropriation to the Department of Public Works for the Department of Public Works Real Estate Services project (PSM #504) in the amount of \$80,000.

Ordinance No. 28163 adopted.

Resolution No. 74091 adopted.

- (b) Adoption of resolutions making certain determinations regarding the related expenditure of Redevelopment Agency funds on certain public improvements in connection with the:
 - (1) Curb Ramp Construction project as more specifically described in the memorandum from the Redevelopment Agency dated August 29, 2007;
Resolution No. 74092 adopted.

2. CONSENT CALENDAR

2.14 Approval of fiscal actions for Redevelopment Agency Capital Projects (Cont'd.)

- (b) Adoption of resolutions making certain determinations regarding the related expenditure of Redevelopment Agency funds on certain public improvements in connection with the:

- (2) Washington Neighborhood Alleyway C3 Construction project as more specifically described in the memorandum from the Redevelopment Agency, dated August 2, 2007.

CEQA: Exempt, File Nos. PP07-207, PP05-212 and PP06-205. (Public Works/Planning, Building and Code Enforcement/Transportation/City Manager's Office)

Resolution No. 74093 adopted.

2.15 Approval of Council Member Chu's Travel Out of State.

Recommendation: Approval of travel by Council Member Chu to New Orleans, LA on November 12 – 18, 2007 to (1) participate in the National League of Cities Congress of Cities & Exposition, (2) as designated by the City Council, be the Voting Delegate at the National League of Cities' Annual Business Meeting, and (3) accept the Playful City USA National Award on behalf of the City of San José. Source of Funds: Mayor/Council Travel Fund. (Chu)

(Rules Committee referral 10/31/07)

Approved.

2.16 Request for an excused absence for Council Member Chu.

Recommendation: Request for an excused absence for Council Member Chu from the Study Session on November 13, 2007 due to Authorized City Business: National League of Cities Congress of Cities in New Orleans, LA. (Chu)

(Rules Committee referral 10/31/07)

Excused.

2.17 Request for excused absences for Council Member Constant.

Recommendation: Request for excused absences for Council Member Constant.

- (a) Request for an excused absence from the Executive Session, City Council and Evening City Council meetings on November 6, 2007 due to Family Emergency.
- (b) Request for an excused absence from the Rules and Open Government meeting on November 7, 2007 due to Family Emergency.

(Constant)

(Rules Committee referral 10/31/07)

Excused.

2. CONSENT CALENDAR

2.18 Request for an excused absence for Vice Mayor Cortese.

Recommendation: Request for an excused absence for Vice Mayor Cortese from the Regular Meeting of the Rules and Open Government Committee on October 24, 2007 due to Authorized City Business: District 8 Meeting. (Cortese)
(Rules Committee referral 10/31/07)

Excused.

2.19 Support for Federal Housing Legislation: HR 1851 and HR 1852.

Recommendation: As recommended by the Rules and Open Government Committee on October 31, 2007, adopt a support position on HR 1851 (Waters) and HR 1852 (Frank).
(City Clerk)
(Rules Committee referral 10/31/07)

Dropped per Orders of the Day.

3. STRATEGIC SUPPORT SERVICES

3.1 Report of the Rules and Open Government Committee – October 17, 2007 Mayor Reed, Chair

(a) City Council

(1) Review October 23, 2007 City Council Agenda

(a) Add New Items to final agenda

- (1) Discussion and action on an urgency ordinance regarding municipal code 17.12.445 (Additional safety requirements for multi-story and other building presenting unique firefighting challenges). (Cortese)

(2) Review October 30, 2007 Draft City Council Agenda

(a) Add New Items to draft agenda

- (1) Discussion and approval of San José's Green Vision. (Mayor)

Heard By Council 10/30/07 – Item 9.1.

- (2) Verbal Update of Legislative Priorities by Senator Elaine Alquist. (Mayor)

Heard By Council 10/30/07 – Item 3.5.

(b) Redevelopment Agency items reported out at Redevelopment Agency meeting

(c) Legislative Update

(1) State

(2) Federal

(d) Meeting Schedules

(e) The Public Record

(f) Appointments to Boards, Commissions and Committees

- (1) Re-appointment to the Small Business Advisory Commission and Human Rights Commission. (Nguyen/Chu)

3. STRATEGIC SUPPORT SERVICES

3.1 Report of the Rules and Open Government Committee – October 17, 2007 (Cont'd.) Mayor Reed, Chair

- (g) Rules Committee Reviews, Recommendations and Approvals
 - (1) Recommend staff to utilize the Public Art Core Process for Artist Selection and Design Review to explore a Public Safety Memorial for the Plaza of City Hall. (City Manager's Office)
- (h) Review of Additions to Council Committee Agendas
- (i) Open Government Initiatives
 - (1) Reed Reforms
 - (2) Sunshine Reform Task Force
 - (a) Review of remaining provisions of Sunshine Reform Task Force Phase I Report and Recommendations. (City Manager's Office)
- (j) Open Forum
- (k) Adjournment

Recommend Deferral to October 24, 2007

- (3) Significant Public Records Act Requests
- (4) Council Policy Manual Update

Deferred to 11/20/07 per Orders of the Day.

3.2 Report of the Public Safety, Finance and Strategic Support Committee Council Member Nguyen, Chair No Report.

3.3 Continuation of an Administrative Hearing on and approval of the final adjustment to the reimbursement at the corner of Hostetter Road and Sierra Creek Way.

Recommendation: Continue Administrative Hearing on and adoption of a resolution approving staff's recommendation for a final adjustment to the reimbursement amount from \$548,268 to \$263,834 (a reduction of \$284,434), which incorporates a greater reduction than the \$341,349 total previously recommended by staff on September 18, 2007. CEQA: Not a Project. Council District 4. (Public Works/Planning, Building & Code Enforcement)

(Continued from 9/18/07 – Item 4.2)

Resolution No. 74094 adopted.

3.4 Approval of Police and Fire Department Retirement Plan Ordinance to include anti-terrorism training pay in compensation for purposes of calculation of retirement benefits.

Recommendation: Approval of an ordinance amending Section 3.36.020.3 of Chapter 36 of Title 3 of the San José Municipal Code to include Anti-Terrorist Training pay in compensation for purposes of calculation of benefits for members in the Police and Fire Department Retirement Plan who are represented by the International Association of Fire Fighters, Local 230. CEQA: Not a Project. (City Manager's Office)

Ordinance No. 28164 passed for publication.

3. STRATEGIC SUPPORT SERVICES

3.5 Approval of an agreement for Auditor search services.

Recommendation: Approval of an agreement with Alliance Resource Consulting LLC for Auditor Search Services, in an amount not to exceed \$26,500. (Mayor)
(Rules Committee referral 10/31/07)

Approved.

3.6 Adoption of a support position for Federal Housing Legislation: HR1851 (Waters) and HR1852 (Frank).

Recommendation: As recommended by the Rules and Open Government Committee on October 31, 2007, adopt a support position for Federal Housing Legislation: HR1851 (Waters) – Section 8 Voucher Reform Act of 2007 and HR1852 (Frank) – expanding Homeownership Act of 2007. (Housing)
[Rules Committee referral 10/31/07 – Item (c)(2)(a)]

Position of support adopted.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Report of the Community & Economic Development Committee – October 22, 2007 Council Member Pyle, Chair

- (a) Review of Committee Workplan
The Committee accepted the Staff report.
- (b) Downtown Obstruction/Building Heights
Deferred to January 2008.
- (c) General Plan Update
The Committee accepted the Staff report.
- (d) Review of the Relevant Legislation Guiding Principles for 2008
The final draft will be forwarded to the Rules and Open Government Committee and the City Council for adoption by the end of the year.
- (e) Sign Ordinance Update
Deferred to November 2007.
- (f) HP Pavilion Improvements
Deferred to November 2007.
- (g) Assessing Performance: An Analytical Framework for the San José McEnery Convention Center
The Committee accepted the Staff report.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Report of the Community & Economic Development Committee – October 22, 2007 Council Member Pyle, Chair (Cont'd.)

- (h) Update on Soccer Stadium, Airport West and iStar Site Negotiations
**The Committee accepted the Staff report.
See Item 4.2 For Council Action To Be Taken.**
- (i) Process Report and Timeline Update for Adoption of the 2007 California Building Standards, CCR Title 24, Parts 2-6, 8-10, and 12 and California Fire Code
**The Committee accepted the Staff report.
See Items 4.4 And 4.5 For Council Action To Be Taken.**
- (j) Oral Petitions
None were presented.
- (k) Adjournment
The meeting was adjourned at 3:48 p.m.

The Community and Economic Development Committee Report and the Actions of October 22, 2007 were accepted.

4.2 Acceptance of the Update on Soccer Stadium, Airport West and iStar Site Negotiations.

Recommendation:

- (a) Acceptance of the staff report regarding efforts to bring a Professional, Major League Soccer Program Back to San José, a report on a proposed change in land use of a 74-acre parcel (known as the iStar site) in Edenvale from industrial and retail use to residential use and a report on proposed development of the City-owned 75-acre Airport West Property for economic development purposes.
Report Accepted.
- (b) Direction to staff to continue to work with the developers (as described below) for a period extending no later than June 30, 2008, so that proposals for the development of a stadium for Major League Soccer in San José, proposals for the development of the iStar property for residential uses and proposals for the development of the Airport West Property for economic development purposes can come forward for consideration by City Council.
Approved.

(Continued on the next page)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.2 Acceptance of the Update on Soccer Stadium, Airport West and iStar Site Negotiations (Cont'd.)

- (c) Direction to staff to continue to work with the developers so that applications and agreements can be brought forward for Council consideration related to a stadium project at such time that those items and all related actions are ready for Council review. Council acknowledges and directs that a separate General Plan and public hearings pertaining to related land use applications may be required for these various development proposals.

CEQA: Not a Project. (Economic Development)

[Community and Economic Development referral 10/22/07 – Item (h)]

Approved, with the City Attorney requested to provide an information memorandum clarifying what triggers the voter approval requirement in the Municipal Code for funding sports facility construction.

The memorandum from Mayor Reed and Council Member Pyle was approved including the following conditions:

- (1) **A status report of the negotiations and timing of the environmental review be presented to the Community and Economic Development Committee in March 2008.**
- (2) **An update to be given to City Council at the Annual General Plan Review Hearing of the status of all development applications in the pipeline that may or may not be ready for the 2008 annual hearing, including the status of this particular project.**

4.3 Approval of fiscal actions related to the CalHome Program.

Recommendation:

- (a) Adoption of a resolution:
 - (1) Authorizing the Director of Housing to accept a \$1,000,000 CalHome Program grant from the California Department of Housing and Community Development (HCD) to fund the rehabilitation of homes owned by lower-income residents within existing SNI areas (\$500,000) and fund a second mortgage program for low-income, first-time homebuyers Citywide (\$500,000).
 - (2) Authorizing the Director of Housing to execute all necessary documents to implement the two programs.

Resolution No. 74095 adopted.

- (b) Adoption of an appropriation ordinance and funding source resolution amendments in the Multi-Source Housing Fund (Fund 448):
 - (1) Increase the CalHome Program appropriation by \$1,000,000.
 - (2) Increase the estimate for Grant Revenue in the amount of \$1,000,000.

CEQA: Not a Project. (Housing/City Manager's Office)

Ordinance No. 28165 adopted.

Resolution No. 74096 adopted.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.4 Approval to adopt the California Building Code.

Recommendation: Approval of an Ordinance to amend Title 24 of the San José Municipal Code as follows:

- (a) Adoption of the 2007 editions of the California Building Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Historical Building Code, California Existing Building Code and the International Existing Building Code Appendix Chapters A2 and A3.
- (b) Adoption of local amendments regarding certain structural design requirements, compliance with FEMA regulations, fire sprinkler regulations, and other building and plumbing requirements.

CEQA: Exempt, File No. PP07-221. (Planning, Building and Code Enforcement)

[Community and Economic Development referral 10/22/07 – Item (i)]

[Public Safety, Finance and Strategic support Committee referral 10/18/07 – Item (9)(a)]

Ordinance No. 28166 passed for publication.

4.5 Approval of an ordinance for adoption of the California Fire Code with local amendments and adoption of other Municipal Code amendments to continue to maintain existing levels of fire safety and regulatory authority.

Recommendation:

- (a) Approval of an ordinance amending Chapter 17.12 of the San José Municipal Code to:
 - (1) Adopt the 2007 California Fire Code, with amendments related to fire flow, sprinkler system standards, fire alarm systems, breathing air replenishment and public radio coverage, access control devices, large battery charging systems, and continuous gas detection systems, based on finding of local climatic, geologic and topographic conditions.
 - (2) Adopt other amendments to Chapter 17.12 to maintain existing levels of fire safety and regulatory authority.

Ordinance No. 28167 passed for publication.

- (b) Direct staff to conduct a thorough review of the existing Hazardous Materials Storage Ordinance (San José Municipal Code Chapter 17.68) and of the existing Toxic Gas Ordinance (San José Municipal Code Chapter 17.78), and return to Council with recommendations for any necessary revisions by June 2009.

CEQA: Exempt, File No. PP07-239. (Fire)

[Community and Economic Development referral 10/22/07 – Item (i)]

[Public Safety, Finance and Strategic Support Committee referral 10/18/07 – Item (9)(b)]

Approved, with Staff requested to provide periodic updates on the status of issues relating to the firefighter breathing air replenishment system requirement for high rise buildings.

5. NEIGHBORHOOD SERVICES

- 5.1 **Report of the Neighborhood Services and Education Committee
Council Member Chirco, Chair
No Report.**

- 5.2 **Approval of actions related to the Willow Glen Spur Trail.**

Recommendation: As recommended by the Rules and Open Government Committee on October 3, 2007, direct staff to move forward in negotiating a final price within the available project budget and purchasing the land that is for sale from Union Pacific between the boundary of Los Gatos Creek and Highway 87 that has been identified in the Greenprint for the Willow Glen Spur Trail. (Oliverio)

[Rules and Open Government Committee referral 10/03/07 – Item (G)(4)]

(Deferred from 10/23/07 – Item 5.2)

Heard in the evening.

Approved.

- 5.3 **Acceptance of the Seven Trees Neighborhood Action Agenda.**

Recommendation:

- (a) Acceptance of the *Seven Trees Neighborhood Action Agenda* as the community vision for the future of the Seven Trees neighborhood, and,
- (b) Encourage the Seven Trees neighborhood residents, property owners and community members to continue to dedicate their time, energy and resources towards the *Action Agenda*, continuing with their community-building activities.

CEQA: Not a Project. Council District 7. (City Manager's Office)

Heard in the evening.

Approved.

- 5.4 **Approval to negotiate and execute an agreement with Baseball Acquisition Company (Owner of the San José Giants).**

Recommendation:

- (a) Adoption of a resolution authorizing the City Manager to negotiate and execute a new agreement with the Baseball Acquisition Company, Inc. (BAC) to:
 - (1) A term from the date of execution through September 30, 2013.
 - (2) Transfer to San José Arena Authority the oversight role for stadium operations, including contract administration, facility management and operation, Capital budget preparation, and community program development.
 - (3) Allow the BAC to solicit interested parties in potential naming of San José Municipal Stadium and develop draft business terms, subject to review and approval of City Council.

(Continued on the next page)

5. NEIGHBORHOOD SERVICES

5.4 Approval to negotiate and execute an agreement with Baseball Acquisition Company (Owner of the San José Giants) (Cont'd.)

- (a) Adoption of a resolution authorizing the City Manager to negotiate and execute a new agreement with the Baseball Acquisition Company, Inc. (BAC) to:
 - (4) Create a San José Municipal Stadium Capital Fund from all funds generated by naming rights activity by the BAC and by other annual fees paid by the BAC to the City plus an initial \$200,000 contribution from the City.
 - (5) Authorize the City Manager to negotiate repayment terms to BAC for up to \$500,000 in the aggregate– which amounts would be paid to BAC upon termination of the Agreement as partial reimbursement to BAC for the cost of long term improvements BAC will make to the facility at its sole cost.
 - (6) Allow BAC to make certain capital repairs or replacements to the facility without prior approval, subject to conditions including that work does not require Department of Public Works review and is for an amount less than \$25,000.
 - (7) Allow for the development of a new community ticket distribution program for tickets to professional baseball games.

Resolution No. 74097 adopted.

- (b) Adoption of a resolution authorizing the City Manager to negotiate and execute an amendment to the Restated Agreement between the City of San José and the San José Arena Authority dated September 26, 2006, to designate management oversight of Municipal Stadium to the Authority and to amend services provided by the City to the Authority.

Resolution No. 74098 adopted.

- (c) Adoption of the following 2007-2008 Appropriation Ordinance amendments in the Construction and Conveyance Tax Fund: City-Wide Parks Purposes (Fund 391):
 - (1) Establish a transfer to the San José Municipal Stadium Capital Fund in the amount of \$200,000; and,
 - (2) Decrease the Strategic Capital Replacement and Maintenance Needs appropriation in the amount of \$200,000.

Ordinance No. 28168 adopted.

- (d) Establish a new San José Municipal Stadium Capital Fund and adopt the following 2007-2008 Appropriation Ordinance and Funding Sources Resolution amendments in the San José Municipal Stadium Capital Fund:
 - (1) Establish an estimate for Transfers in the amount of \$200,000; and,
 - (2) Establish a Capital Enhancements appropriation to the Parks, Recreation, and Neighborhood Services Department in the amount of \$200,000.

CEQA: Exempt, File No. PP07-217. Council District 7. (Parks, Recreation and Neighborhood Services/City Manager's Office)

Ordinance No. 28169 adopted.

Resolution No. 74099 adopted.

5. NEIGHBORHOOD SERVICES

5.5 Acceptance of the Strong Neighborhoods Initiative Greater Gardner Neighborhood Improvement Plan Amendment.

Recommendation:

- (a) Acceptance of the Strong Neighborhoods Initiative (SNI) *Greater Gardner Neighborhood Improvement Plan Amendment* as the renewed community vision for the future of the Greater Gardner SNI Planning Area, and
- (b) Encourage Greater Gardner area residents, property owners and community members to continue to dedicate their time, energy and resources towards the *Plan* and this Amendment while continuing with their community-building activities.

CEQA: Resolution No. 71045. The Planning Commission recommends approval (6-0-1). Council Districts 3 and 6. SNI: Greater Gardner. (Planning, Building and Code Enforcement)

See Item 9.2. for Council Action Taken.

5.6 Approval of an agreement for consultant services for the Educational Park Branch Library Project.

Recommendation: Approval of an agreement with Anderson Brule Architects, Inc. for consultant services for the Educational Park Branch Library Project, from the date of execution to October 31, 2010, in an amount not to exceed \$1,190,000. CEQA: Not a Project. Council District 4. (Public Works/Library)

Approved.

5.7 Approval of actions related to the Happy Hollow Park & Zoo Pedestrian Bridge Project and Attractions Project.

Recommendation: Approval to reject all bids for the Happy Hollow Park & Zoo – Pedestrian Bridge (Phase IIB) Project, and authorization for the Director of Public Works to re-advertise and re-bid the project. CEQA: Mitigated Negative Declaration, File No. PP05-142. (Public Works/Parks, Recreation and Neighborhood Services)

Approved.

6. TRANSPORTATION & AVIATION SERVICES

6.1 Report of the Transportation and Environment Committee Council Member Williams, Chair

No Report.

6. TRANSPORTATION & AVIATION SERVICES

6.2 Approval of actions related to Taxicab Services.

Recommendation:

- (a) Discussion and possible action on the recommendations of the T&E Committee to direct staff to bring forward to the City Council a report on the development of a Taxicab Commission.
- (b) Discussion and possible action regarding airport company taxicab permit allocations.

CEQA: Not a Project. (Airport/Transportation/Police)

[Transportation and Environment Committee referral 10/01/07 – Item (j)]

(Deferred from 10/16/07 – Item 6.3)

Deferred to 11/20/07 per Mayor Reed.

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY SERVICES

8.1 Acceptance of the Independent Police Auditor's 2007 Mid-Year Report.

Recommendation: Acceptance of the Independent Police Auditor's 2007 Mid-Year Report. (Independent Police Auditor)

Report Accepted.

8.2 Acceptance of the progress report on Council Referral #21 from the June 21, 2007 Special Council Meeting on Various Police Related Reports.

Recommendation: Acceptance of the progress report, as authored by the City Manager and Independent Police Auditor, regarding Council Referral #21 from the June 21, 2007 Special Council Meeting on Various Police Related Reports, which states the following: Council Referral #21 - Direct the City Manager to collaborate with the IPA on a report outlining the status of all the recommendations adopted at the Special Council meeting. This report is to be brought forward in conjunction with the IPA's mid-year report.

CEQA: Not a Project. (City Manager's Office/Independent Police Auditor)

Report Accepted.

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

9.1 Approval to amend the Inclusionary Housing Policy.

Recommendation: Adoption of resolutions by the City Council and Redevelopment Agency Board amending the joint City/Redevelopment Agency Inclusionary Housing Policy (“Policy”) to clarify land dedication/valuation requirements in lieu of providing affordable housing units. CEQA: Not a Project. (City Manager’s Office/Redevelopment Agency)

(Rules Committee referral 10/24/07)

Resolution No. 74100 adopted.

Redevelopment Agency Resolution No. 5896 adopted.

9.2 Acceptance of the Strong Neighborhoods Initiative Greater Gardner Neighborhood Improvement Plan Amendment.

Recommendation:

- (a) Acceptance of the Strong Neighborhoods Initiative (SNI) *Greater Gardner Neighborhood Improvement Plan Amendment* as the renewed community vision for the future of the Greater Gardner SNI Planning Area, and
- (b) Encourage Greater Gardner area residents, property owners and community members to continue to dedicate their time, energy and resources towards the *Plan* and this Amendment while continuing with their community-building activities.

CEQA: Resolution No. 71045. The Planning Commission recommends approval (6-0-1). Council Districts 3 and 6. SNI: Greater Gardner. (Planning, Building and Code Enforcement)

Heard in the evening.

Accepted.

- Notice of City Engineer’s Pending Decision on Final Maps
None.
- Notice of City Engineer’s Award of Construction Projects
None.
- Open Forum
 - (1) William Garbett requested help with a Public Records Act Request.
 - (2) Robert Apgar shared personal observations.
- Adjournment
The Council of the City of San José adjourned the afternoon session at 4:25 p.m.

10. GENERAL PLAN PUBLIC HEARINGS

No General Plan Public Hearing at this time.

11. PUBLIC HEARINGS ON CONSENT CALENDAR

(Heard by the City Council at 7:02 p.m.)

11.1 Public Hearings on Consent Calendar.

Recommendation:

- (a) Consideration of an ordinance rezoning the real property located on the southeast corner of Lincoln Avenue and Nevada Place (1556 Lincoln Avenue) to A(PD) Planned Development Zoning District to allow the subdivision of one lot into two lots, to retain one existing single-family detached residence and allow for the eventual construction of one additional single family detached residence on a 0.26 gross acre site (Tomasso Annette R Trustee, Owner). CEQA: Exempt. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).

PDC06-101 – District 6

Ordinance No. 28170 passed for publication.

END OF PUBLIC HEARINGS ON CONSENT CALENDAR

11. PUBLIC HEARINGS

11.2 Consideration of a director initiated rezoning ordinance rezoning the real property located on the south side of Sierra Road.

Recommendation: Consideration of a director initiated rezoning ordinance rezoning an approximately 1.14 gross acre area consisting of one parcel on the south side of Sierra Road, 200 feet east of Varner Court from unincorporated county to R-1-2 Single Family Residence District (Jack Kim and Hester Lau-Kim, Owners). CEQA: Resolution No. 65459 (Related Annexation Penitencia No. 76). Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.

C06-105 – District 4

Ordinance No. 28171 passed for publication.

11.3 Consideration of a director initiated rezoning ordinance rezoning the real property located on both sides of Woodard Road.

Recommendation: Consideration of a director initiated rezoning ordinance rezoning an approximately 3.49 gross acre area consisting of 13 parcels located on both sides of Woodard Road between Nova Scotia Avenue and Twilight Drive from unincorporated county to R-1-8 Single family Residence District (Multiple Owners). CEQA: Resolution No. 65459 (Related Annexation Parker No. 25). Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.

C06-111 – District 9

Ordinance No. 28172 passed for publication.

11.4 Consideration of a director initiated rezoning ordinance rezoning the real property located on the south side of Woodard Road.

Recommendation: Consideration of a director initiated rezoning ordinance rezoning an approximately 0.53 gross acre area consisting of 2 parcels located on the south side of Woodard Road, 300 feet west of Twilight Drive from unincorporated county to R-1-8 Single Family Residence District (Multiple Owners). CEQA: Resolution No. 65459 (Related Annexation Parker No. 26). Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.

C06-113 – District 9

Ordinance No. 28173 passed for publication.

- Open Forum
There were none presented.

- Adjournment
The Council of the City of San José adjourned at 8:34 p.m.

8. JOINT REDEVELOPMENT AGENCY ITEM

The Joint Redevelopment Agency Board convened at 4:35 p.m. to consider Items 8.1, 8.2 and 8.3 in a Joint Session.

8.1 Approval of a Reimbursement Agreement with SoloPower for acquisition of capital equipment and Employment Training Panel Funds.

Recommendations: Adoption of resolutions by:

- (a) The Redevelopment Agency Board approving a Reimbursement Agreement with SoloPower, Inc., in an amount not to exceed \$715,000, for acquisition of capital equipment to be installed in SoloPower's industrial and manufacturing headquarters facility in the Edenvale Redevelopment Project Area and making certain findings.

Redevelopment Agency Resolution No. 5797 adopted.

- (b) The City Council directing the City Manager to have the Office of Economic Development pursue Employment Training Panel Funds, in the amount of \$100,000, to support the workforce development efforts of SoloPower.

CEQA: Edenvale Redevelopment Project Area Final EIR, Resolution No. 67245, File No. SP07-068. **[EDENVALE]**

Resolution No. 74101 adopted.

8.2 Award of a contract for demolition of the Japantown Corporation Yard.

Recommendation: Adoption of a resolution approving the award of a construction contract to Randazzo Enterprises, Inc., the lowest responsive bidder in the amount of \$186,857, and authorizing a 20% construction contingency in the amount of \$37,371, for a total construction budget not to exceed \$224,228, for the demolition of the Japantown Corporation Yard Buildings. CEQA: Resolution No. 64990, Japantown EIR, File No. PP 07-224. **[JAPANTOWN]**

Redevelopment Agency Resolution No. 5798 adopted.

8.3 Award of a construction contract for construction of a parking lot for the Guadalupe River Park.

Recommendations:

- (a) Adoption of a resolution by the City Council making certain determinations required by Redevelopment Law, Health and Safety Code Section 33445, for Agency funding of improvements for public and service access and parking for the Guadalupe River Park.

(Continued on the next page)

8. JOINT REDEVELOPMENT AGENCY ITEM

8.3 Award of a construction contract for construction of a parking lot for the Guadalupe River Park (Cont'd.)

- (b) Adoption of a resolution by the Redevelopment Agency Board approving the award of a construction contract to Joseph J. Albanese Inc., the low bidder, in the amount of \$789,963; and authorizing a construction contingency in the amount of \$118,494, for construction of a parking lot for the GRP with access from Santa Clara and St. John Streets.

CEQA: Downtown Strategy 2000 EIR, Resolution No. 72767 and Addendum thereto.

File No. PP07-223. **[MERGED]** (Deferred from 10/2/07 and 10/16/07- Item 8.2.)

Deferred to December 11, 2007 per Orders of the Day.

The Council of the City of San José and Redevelopment Agency Board adjourned at 4:40 p.m.